

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|----------------------------------|---|--------------------------------|
| MARIO BONANI, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 10-329 |
| v. |) | |
| |) | Judge Alan N. Bloch |
| MICHAEL J. ASTRUE, |) | Magistrate Judge Cathy Bissoon |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

ORDER

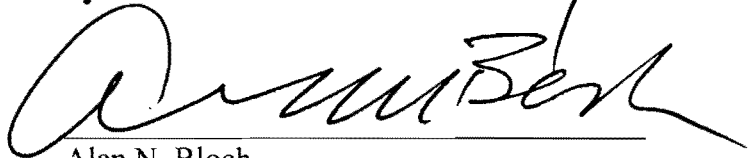
Plaintiff's Motion (Doc. 21) for attorney's fees under the Equal Access to Justice Act ("EAJA") will be granted, but the Court will deny Plaintiff counsel's request that payment be made directly to counsel rather than Plaintiff.

This Court previously has recognized that, under the EAJA, "the term 'prevailing party' refers to the litigant himself, not his attorney." Stremple v. Peake, 2009 WL 174170, *6 (W.D. Pa. Jan. 22, 2009) (citation to quoted source omitted); *see also id.* (requiring EAJA fees to be made payable directly to plaintiff). The United States Supreme Court recently has affirmed this conclusion. *See Cortez v. Astrue*, 2010 WL 4178782, *2 (D. N.J. Oct. 20, 2010) (under Astrue v. Ratliff, -- U.S. --, 130 S. Ct. 2521 (Jun. 14, 2010), "fees [are] paid to the plaintiff, not directly to plaintiff's counsel").

Plaintiff's assignment of some or all of the EAJA fees to his attorney is a matter between a lawyer and his client, not a concern of Defendant or the Court. Thus, Plaintiff's Motion for attorney's fees (**Doc. 21**) is **GRANTED**, as follows. Plaintiff, Mario Bonani, is awarded attorney's fees under the EAJA in the amount of four thousand three hundred fifty-six dollars and thirty-seven cents (\$4,356.37). These attorney's fees will be paid directly to Plaintiff,

Mario Bonani, and sent to the business address of Plaintiff's counsel. Full or partial remittance of the awarded attorney's fees will be contingent upon a determination by the Government that Plaintiff owes no qualifying, pre-existing debt(s) to the Government. If such debt(s) exists, the Government will reduce the awarded attorney's fees in this Order to the extent necessary to satisfy such debt(s).

IT IS SO ORDERED ON THIS 14th day of February 2011.

A handwritten signature in black ink, appearing to read "Alan N. Bloch", written over a horizontal line.

Alan N. Bloch
United States District Judge

cc (via ECF email notification):

All Counsel of Record